

Marked-Up Copy of Amended Claims

81. (twice amended) A method for obtaining a plant having a regulatable phenotype, said method comprising;

transforming a host plant cell with a DNA construct under genomic integration conditions, wherein said construct comprises as operably linked components in the direction of transcription, a promoter region obtainable from a gene, wherein transcription of said gene is preferentially regulated in embryonic seed tissue; a DNA sequence of interest other than the native coding sequence of said gene which provides for expression or modulation of an endogenous product, and a transcription termination region, wherein said components are functional in a plant cell;

whereby said DNA construct becomes integrated into a genome of said plant

regenerating a plant from said transformed plant cell, and

growing said plant under conditions whereby said DNA sequence of interest is expressed and a plant having said regulatable phenotype is obtained.

84. (amended) The method according to claim 83, wherein said plant is selected from the group consisting of a tomato plant, a soybean plant, a rapeseed plant or and a safflower plant.

108. (twice amended) A method to selectively express a heterologous DNA sequence of interest in a plant tissue of interest as distinct from other plant tissue, said method comprising:

growing a plant capable of developing a plant tissue of interest under conditions to produce said plant tissue of interest, wherein said plant comprises cells having a genetically integrated DNA construct comprising, as operably linked components in the 5' to 3' direction of transcription, a transcriptional initiation region specifically regulated in embryonic seed tissue, a DNA sequence of interest which is from a gene native to a plant host or from a mutant of a gene which is native to a plant host, wherein said DNA sequence is not the coding sequence native to said transcriptional initiation region, a transcriptional termination region downstream of said

DNA sequence of interest, whereby said DNA sequence of interest is expressed under control of said transcriptional initiation region specifically regulated in said plant tissue of interest.

116. (amended) The method according to claim 115, wherein said plant is selected from the group consisting of a tomato plant a soybean plant, a rapeseed plant or and a safflower plant.

124. (twice amended) A method to selectively express a heterologous DNA sequence of interest in a plant tissue of interest comprising:

growing a plant capable of developing a plant tissue of interest under conditions to produce said plant tissue of interest, wherein said plant comprises cells having a genetically integrated DNA construct comprising, as operably linked components in the 5' to 3' direction of transcription, a transcriptional initiation region specifically regulated in [a plant tissue selected from the group consisting of chloroplast containing tissue,] embryonic seed tissue [and fruit tissue], a DNA sequence of interest other than the coding sequence native to said transcriptional initiation region which provides for at least one of increased capability of protein storage, improved nutrient source, enhanced response to light, enhanced dehydration resistance, enhanced herbicide resistance, and enhanced resistance to viruses, insects or fungi, and a transcription termination region downstream of said DNA sequence of interest;

whereby said DNA sequence of interest is expressed under the control of said transcriptional initiation region specifically regulated in said plant tissue of interest.